

Appl. No. 09/783,835

REMARKS

Claims 53 and 66 are amended. Claims 53-55 and 60-69 are pending in the application.

Claims 53-55 and 60-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunlop, U.S. Patent No. 5,590,389 in view of Weber, U.S. Patent No. 4,786,469; or in the case of claim 63, as being unpatentable over the combination of Dunlop and Weber in further view of JP 49007777 ('777). The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Claims 53-55 and 60-69 are allowable over Dunlop, Weber and '777 for at least the reasons that the references, individually or as combined, fail to disclose or suggest each and every limitation in any of those claims.

As amended, independent claim 53 recites a physical vapor deposition target consisting of an alloy of copper, Tc, and optionally one or more of Mo, Re, and Ti. As amended, independent claim 66 recites a physical vapor deposition target consisting of copper having a purity of 99.9998% alloyed with a total concentration of other elements of from less than 1.0 at% to 0.001 at%, the other elements being selected from the group consisting of Tc, Ti, Re, and Mo, one of the other elements being Tc. As set forth in applicant's previous response, Dunlop does not disclose or suggest an alloy comprising including Tc and optionally one or more of Ti, Re, and Mo. As further set forth in applicant's previous response, Weber specifically requires titanium and/or zirconium to be

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present for effective refinement of the alloys disclosed therein.

The Examiner indicates at pages 5-6 of the present Action that because claims 53 and 66 utilize the expression "consisting essentially of", these independent claims do not exclude the Ti and/or Zr required by Weber. Without admission as to the propriety of the Examiner's statements, claims 53 and 66 have been amended to adopt the closed transitional expression "consisting of". Accordingly, the one or both of Ti and/or Zr required by Weber is specifically excluded from independent claims 53 and 66. Because the recited combination of Dunlop and Weber does not disclose or suggest the claim 53 recited target consisting of an alloy of copper, Tc and optionally one or more elements selected from the group consisting of Mo, Re and Ti, or the claim 66 recited target consisting of copper having a purity of 99.9998% alloyed with one or more elements selected from Tc, Mo, Re and Ti where at least Tc is present, independent claims 53 and 66 are allowable over these references.

Dependent claims 54-55, 60-65, and 67-69 are allowable over Dunlop and Weber for at least the reason that they depend from corresponding allowable base claims 53 and 66.

With respect to the rejection of claim 63, the '777 reference is relied upon by the examiner as showing an alloy containing Ti. However, when combined with Dunlop and Weber, the '777 reference does not contribute toward suggesting the copper alloy comprising Tc as recited in independent claim 53. Accordingly claim 53 is not rendered obvious by the cited combination of Dunlop, Weber and '777 and is allowable over this reference. Claim 63 is allowable over Dunlop, Weber and '777 for at least the reason that it depends from allowable base claim 53.

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For the reasons discussed above, pending claims 53-55 and 60-69 are allowable. Accordingly, the application is placed in condition for immediate allowance and action to that extent is respectfully requested.

Respectfully submitted,

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